REMARKS

In the Office Action mailed March 22, 2006, the Examiner noted that claims 1-14 were pending, and rejected claims 1-14. Claim 1 have been amended, claims 13-14 have been canceled, and, thus, in view of the forgoing claims 1-12 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Action the Examiner rejected claims 1-14 under 35 U.S.C. section 112, paragraph 1 for failure to provide an enabling disclosure. In particular, the Examiner noted a referenced Japanese Patent Publication and alleged that text from the Publication is essential. The Examiner is requested to note that basic patent law does not require that things known to those of ordinary skill in the art at the time a patent application is filed be disclosed. That is, those of ordinary skill in the art are presumed to "know" about what is available to the public at the time the application is filed. And as acknowledged by the Examiner, the document is a patent Publication. It is submitted that the application is enabling because those of skill in the art have access to and are aware of the teachings of the referenced Patent Publication. The rejection is respectfully traversed. Withdrawal of the rejection is requested.

On page 3 of the Action the Examiner rejected claims 1-14 under 35 U.S.C. section 112, paragraph 1 for failure to provide an enabling disclosure. Essentially the Examiner alleges that the application does not show how to determine a similarity. The Examiner is requested to note that a formula for calculating similarity is set forth as equation 5 on page 42 and it indicates that similarity is a function of relativeness level, which the Examiner acknowledges the application shows how to calculate. It is submitted that the application does teach how to determine similarity and the rejection is traversed. Withdrawal of the rejection is requested.

On page 6 of the Office Action, the Examiner rejected claims 1-8, 13 and 14 under 35 U.S.C. § 102 as anticipated by Ho. Page 7 of the Office Action rejects claims 9-12 under 35 U.S.C. § 103 over Ho.

Claim 1 emphasizes that two different training material similarity levels are provided:

a first similarity level indicating a similarity level between one or more pieces of training application information about the client organization and plural pieces of standard training information about the training portal service

and

"a second similarity level indicating a similarity level between the plural pieces of standard training information and the plural pieces of training reception information about the training organization.

That is, the user can see which of the training materials are most similar to the standard training materials. The user is then allowed to pick among the training based on the similarity.

Claims 4, 7 and 8 also emphasize the use of similarity levels upon which the user can base a selection between training materials.

The Examiner, in making the anticipation rejection alleges that Ho teaches this similarity based selection by essentially teaching "all types of criteria to identify the appropriate learning materials" and points to col. 4, lines 57-60, col. 7, lines 59-60, col. 12, lines 2-8 and col. 6, lines 26-30 and lines 50-55 as the source of such teachings. These parts of Ho state:

> If learning materials should be presented to the user, a material presenter, 210, presents (step 106) the learning materials to her. Information such as the learning materials, and the jobs related to a job position, can be stored in a learning database, 208.

(see Ho, col. 4, lines 57-60)

> A company database can store the documents previously prepared by the employees of the company.

(see Ho, col. 7, lines 59-60)

> Through such information, the learning determinator, 204, can provide learning options to the users, which can depend on the proximity of her work and home relative to the learning location, and her availability. After the user selects one of the options, the determinator can also help the user register, through, for example, the Web.

(see Ho, col. 12, lines 2-8)

> FIG. 5 shows a number of rules applied by the learning determinator, 204, to determine (step 104) if learning materials should be presented. In one embodiment, the determinator, 204, determines based on the user's response (step 275). The learning determinator, 204, can ask the user a question. For example, the determinator, 204, can ask the user if she wants to learn a subject matter (step 277), such as how to invest in bonds. In another approach, the determinator, 204, asks the user if she wants to do a certain job (step 279), such as writing a program for an embedded controller.
> In yet another embodiment, the determinator, 204, asks the user if she wants to fill a certain job position (step 281). FIG. 6 shows examples of different job positions for the user to fill. The position can be the user's supervisor's or superior's position, 302, or the positions of the user's colleagues, 304. For example, the user is a marketing manager, the determinator, 204, can ask her if she wants to be a finance manager. If the user wants to, which can be in the form of clicking a dialogue box, the material presenter, 210, presents materials to the user. As an illustration, if the user wants to be a finance manager, the determinator, 204, may decide to present certain learning materials regarding finance to her.
> In another embodiment, the learning determinator decides without asking the user. In one embodiment, the decision depends on the needs, 287, of the company. For example, due to changes in the market place, the company requires their sales personnel to understand the Russian culture so as to sell its products in Russia. Due to such change in needs, the learning determinator, 204,

decides that learning materials on Russian culture should be presented to the
user.
(see Ho, col. 6, lines 26-57)

As can be seen from the above text, Ho says nothing about similarity levels. The Examiner is
reminded that anticipation

> ... requires the presence in a single prior art reference disclosure of each and
> every element of the claimed invention, arranged as in the claim." (see
> Lindemann v. American Hoist,730 F.2d 1452, 221 U.S.P.Q. 481,
> 485(Fed.Cir.1983)).

The anticipation rejection is respectfully traversed.

In making the obvious rejection the Examiner points to the same portions of Ho as noted
above.

Claims 9-12 also emphasize the use of similarity levels upon which the user can base a
selection between training materials. As can be seen from the above text, Ho does not teach or
suggest the use of similarity levels much less suggset a modifucation of Ho to allow a user to
use similarity levels to to select tranining materials. The Examiner is reminded:

> The prior art must not only suggest the desirability that the teachings of
> references be combined but must also suggest the desirability of the
> modifications in the manner proposed by the Examiner as well as the results to
> be achieved (see Ex parte Costa, 211 U.S.P.Q. 636 (P.O.Bd.App.1978), ACS
> Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929
> (Fed.Cir.1984), In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed.Cir.1984),
> Lear Siegler v. Aeroquip Corp., 733 F.2d 881, 221 U.S.P.Q. 1025 (Fed.Cir.1984)
> and Diversitech v. Century Steps, 850 F.2d 675, 7 U.S.P.Q.2d 1315
> (Fed.Cir.1988)).

> To support a finding of obviousness based on a single reference, the single
> reference must suggest the desirability of modifying it's disclosure as needed to
> accomplish the invention (see In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125
> (Fed.Cir.1984), Schneck v. Gordon,7 13 F.2d 782, 18 U.S.P.Q. 699
> (Fed.Cir.1984) and Cooper v. Ford, 748 F.2d 677, 223 U.S.P.Q. 1286
> (Fed.Cir.1984)).

The obviousness rejection is respectfully traversed.

It is submitted that the independent claims 1-4 and 7-12 distinguish over the prior art and
withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are
patentable over the prior art for the reasons discussed above. The dependent claims also recite
additional features not taught or suggested by the prior art. For example, claim 2 emphasizes

obtaining the first and second similarity levels using the importance levels of the words. As can be seen by reviewing the text pointed to by the Examiner as set forth above, Ho does not teach or suggest such   It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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